

BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of: STIPULATION AND  
CONSENT ORDER

Manheim Utah : No.: 0901002  
1650 West 500 South  
Woods Cross, UT 84087  
UTD988071064

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This STIPULATION AND CONSENT ORDER (CONSENT ORDER) is issued by the Utah Solid and Hazardous Waste Control Board (the Board) pursuant to the Utah Solid and Hazardous Waste (the Act), section 19-6-101, et seq., Utah Code Annotated 1953, as amended.

## STIPULATION

1. Manheim Utah (Manheim) is a company licensed to do business in the State of Utah.
2. Manheim is a “person” as defined in UCA 19-1-103(4) and is subject to all applicable provisions of the Utah Solid and Hazardous Waste Act and the Utah Administrative Code (the Rules).
3. On November 24, 2008, NOTICE OF VIOLATION No. 0809033 (NOV) was issued to Manheim for violations of the Utah Solid and Hazardous Waste Act and applicable rules.
4. The parties admit the Board has jurisdiction over the matter.
5. The parties now wish to resolve this matter fully without resorting to administrative or judicial proceedings.
6. For the purpose of this CONSENT ORDER, the parties agree and stipulate to the above stated facts. None of the stipulations related herein shall be considered admissions by any party, other than Paragraph 4 above, and shall not be used by any person related or unrelated to this CONSENT ORDER for purposes other than determining the basis of this CONSENT ORDER.

## CONSENT ORDER

1. In full settlement of the violations alleged in the NOV, Manheim shall pay a penalty of \$4,680.00. Full payment shall be made within 30 days of entry into this CONSENT ORDER. Payment shall be made to the State of Utah, Department of Environmental Quality, c/o Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board, P.O. Box 144880, Salt Lake City, Utah 84114-4880.

2. This penalty amount was determined using the Board's Civil Penalty Policy, which considers such factors as magnitude of the violation(s), degree of environmental harm or the potential for such harm, response and investigation costs incurred by the State, good faith efforts to comply, and other factors.

Nothing contained herein shall be deemed to constitute a waiver by the State of its right to initiate enforcement action, including civil penalties, against Manheim in the event of future non-compliance with this CONSENT ORDER or with the Utah Solid and Hazardous Waste Act or the Utah Administrative Code, nor shall the State be precluded in any way from taking appropriate action to abate an imminent endangerment to human health or the environment should such a situation arise at Manheim's facility. However, compliance with this CONSENT ORDER shall relieve Manheim of all liability for violations alleged in the November 24, 2008 NOV.

3. This CONSENT ORDER shall not in any way relieve Manheim of any obligation to comply with applicable local, state, or federal law or regulations.
4. This CONSENT ORDER shall become effective upon execution by Manheim and the Executive Secretary of the Board.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Manheim Utah

Utah Solid and Hazardous Waste  
Control Board

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Dennis R. Downs  
Executive Secretary

**NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 0809033

violation a

Violation description: Failure to keep hazardous waste container closed.

1. Gravity Based Penalty

(a) Potential for Harm: MINOR. Manheim had one 55-gallon drum of paint waste with an open filling funnel. The drum was located inside of the paint facility on a concrete floor. The risk associated with the drum would be negligible since it was being stored in the paint area and was closed other than the open funnel.

(b) Extent of Deviation: MODERATE. The drum had a locking lid for the funnel but was open at the time of the inspection.

(c) Multiple/Multi-day - NA

2. Adjustment Factors (if applicable)

(a) Good faith - NA

(b) Willfulness/Negligence - NA

(c) History of Compliance or Noncompliance - NA

(d) Ability to pay - NA

(e) Other Unique Factors - NA

3. Economic Benefit - NA

4. Recalculation of Penalty based on New Information - NA

TOTAL: \$780

**NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 0809033

violation b

Violation description: Failure to mark hazardous waste containers with accumulation start date.

1. Gravity Based Penalty

(a) Potential for Harm: MINOR. Manheim had three 55-gallon drums of hazardous waste with no accumulation start date. The drums were located inside a building on a concrete floor in the Paint Shop area. There was no reason to suspect that the drums had been in storage for longer than 180 days. Given the frequency that hazardous waste was manifested offsite for disposal and the location of storage, this has a minor potential for harm.

(b) Extent of Deviation: MODERATE. Three hazardous waste containers had no accumulation start dates.

c) Multiple/Multi-day: NA

2. Adjustment Factors (if applicable)

(a) Good faith - NA

(b) Willfulness/Negligence - NA

(c) History of Compliance or Noncompliance - NA

(d) Ability to pay - NA

(e) Other Unique Factors - NA

3. Economic Benefit- NA

4. Recalculation of penalty based on new information - NA

TOTAL: \$780

**NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 0809033

violation c

Violation description: Failure to label hazardous waste container with the words “hazardous waste.”

1. Gravity Based Penalty

(a) Potential for Harm: MINOR. Manheim had three hazardous waste containers with no hazardous waste labels. The drums were located inside a building with a concrete floor. The risk of human or environmental exposure to hazardous waste or hazardous constituents was negligible.

(b) Extent of Deviation: MODERATE. Three hazardous waste containers had no hazardous waste labels.

(c) Multiple/Multi-day: NA

2. Adjustment Factors (if applicable)

(a) Good faith - NA

(b) Willfulness/Negligence - NA

(c) History of Compliance or Noncompliance - NA

(d) Ability to pay - NA

(e) Other Unique Factors - NA

3. Economic Benefit - NA

4. Recalculation of Penalty based on New Information - NA

TOTAL: \$780

**NARATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 0809033

violation d

Violation description: Failure to conduct weekly inspections of hazardous waste containers.

1. Gravity Based Penalty
  - (a) Potential for Harm: MINOR. Although weekly inspections were not conducted, the amount of waste and the area where the containers were stored did not pose a high potential for harm.
  - b) Extent of Deviation: MODERATE. Hazardous waste containers were observed weekly but not formally inspected.
  - (c) Multiple/Multi-day: NA
2. Adjustment Factors (if applicable)
  - (a) Good faith - NA
  - (b) Willfulness/Negligence - NA
  - (c) History of Compliance or Noncompliance - NA
  - (d) Ability to pay - NA
  - (e) Other Unique Factors - NA
3. Economic Benefit – NA
4. Recalculation of Penalty based on New Information - NA

TOTAL: \$780

**NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 0809033

violation e

Violation description: Failure to post emergency information near telephones.

1. Gravity Based Penalty

(a) Potential for Harm: MINOR. Although Manheim failed to post the required emergency contact information and location of fire extinguishers and spill kits near the appropriate phones, the small amount of waste and the area where the containers were stored did not pose a high potential for harm.

(b) Extent of Deviation: MODERATE. The information might have been posted at one time but could not be located.

(c) Multiple/Multi-day: NA

2. Adjustment Factors (if applicable)

(a) Good faith - NA

(b) Willfulness/Negligence - NA

(c) History of Compliance or Noncompliance - NA

(d) Ability to pay - NA

(e) Other Unique Factors - NA

3. Economic Benefit - NA

4. Recalculation of Penalty based on New Information - NA

TOTAL: \$780

**NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 0809033

violation f

Violation description: Failure to send letters to emergency responders.

1. Gravity Based Penalty

(a) Potential for Harm: MINOR. Although Manheim failed to send notification letters to the appropriate emergency responders, the risk of human or environmental exposure to hazardous waste or hazardous constituents is negligible because of the small amount of waste in storage.

(b) Extent of Deviation: MODERATE. Manheim may have sent letters to emergency responders but was unable to provide copies.

(c) Multiple/Multi-day: NA

2. Adjustment Factors (if applicable)

(a) Good faith - NA

(b) Willfulness/Negligence - NA

(c) History of Compliance or Noncompliance - NA

(d) Ability to pay - NA

(e) Other Unique Factors - NA

3. Economic Benefit - NA

4. Recalculation of Penalty based on New Information - NA

TOTAL: \$780

**TOTAL PENALTY: \$4,680**